

**PUBLIC BUILDING COMMISSION OF CHICAGO**  
**MINUTES OF THE SCHEDULED REGULAR MEETING OF THE**  
**BOARD OF COMMISSIONERS HELD ON JANUARY 11, 2011**

The scheduled regular meeting of the Board of Commissioners of the Public Building Commission of Chicago was held at the Board Meeting Room, 2nd Floor, Richard J. Daley Center on January 11, 2011 at 2:30 P.M.

The following Commissioners were present:

Richard M. Daley, Chairman  
Robert B. Donaldson  
Toni Preckwinkle  
Mary B. Richardson-Lowry  
Samuel Wm. Sax  
Mariyana T. Spyropoulos  
Gerald M. Sullivan  
Bryan S. Traubert

The following Commissioners were absent:

Adela Cepeda  
Benjamin Reyes

Also present were:

Erin Lavin Cabonargi

J. Avery  
P. Bobb  
B. Campney  
R. Castillo  
E. Davis  
T. Davis  
A. Eley  
E. Fisk  
T. Foucher-Weekley  
A. Fredd  
A. Garcia-Abner  
L. Giderof  
R. Giderof

K. Hall  
T. Haymaker  
K. Holt  
E. Johnson  
J. Kedzierski  
L. Ketterl  
C. Krepel  
T. Later  
L. Lypson  
J. McConnell  
G. McGleam  
D. McNabb  
J. Meeks  
J. Muss  
L. Neal  
K. Purcell  
B. O'Reilly  
O. Ruffin  
E. Ryan  
C. Santos  
M. Simon  
P. Spieles  
J. Stein  
K. Summers  
P. Taylor  
L. Tomas-Foster  
K. Vantrease  
A. Wiggins  
J. Wilson  
B. Yaksic

The meeting was called to order and the presence of a quorum was established.

The reading of the minutes of the December 16, 2010 meeting, which had previously been distributed, was dispensed with and upon motion duly made and seconded the minutes of said meeting were unanimously approved.

Next was the administration of the oath of office to Toni Preckwinkle, appointee of the Cook County Board of Commissioners, as a Commissioner of the Public Building Commission of Chicago for a term ending September 30, 2015. Upon motion duly made and seconded, the following resolution was adopted:

January 11, 2011

RESOLUTION NO. 7606

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby accept the appointment of Toni Preckwinkle, appointee of the Cook County Board of Commissioners, as board member of the Public Building Commission of Chicago for a term ending on September 30, 2015 or until her successor is appointed.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Mary B. Richardson-Lowry, Samuel Wm. Sax,  
Gerald M. Sullivan, Bryan S. Traubert – 6

Commissioners voting in the negative:

None

Next was the administration of the oath of office to Mariyana T. Spyropoulos, appointee of the Metropolitan Water Reclamation District of Greater Chicago, as a Commissioner of the Public Building Commission of Chicago for a term ending September 30, 2011. Upon motion duly made and seconded, the following resolution was adopted:

RESOLUTION NO. 7607

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby accept the appointment of Mariyana T. Spyropoulos, appointee of the Metropolitan Water Reclamation District of Greater Chicago, as board member of the Public Building Commission of Chicago for a term ending on September 30, 2011 or until her successor is appointed.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Gerald M. Sullivan,  
Bryan S. Traubert – 7

Commissioners voting in the negative:

None

The Executive Director next presented to the Board of Commissioners for consideration of approval a Resolution commending Cynthia M. Santos for her service to the Public Building Commission of Chicago. Upon motion duly made and seconded, the following resolution was adopted by the Board of Commissioners:

RESOLUTION NO. 7608

**WHEREAS**, in November 1996, Ms. Santos was elected Commissioner of the Water Reclamation District of Greater Chicago; and

**WHEREAS**, on January 12, 1999, Cynthia Santos was appointed as a Commissioner of the Board of Commissioners of the Public Building Commission of Chicago; and

**WHEREAS**, Commissioner Santos attended University of Illinois at Chicago, graduated from Northeastern Illinois University and is currently pursuing a Master's degree in Public Administration. She is a licensed real estate agent and appraiser and belongs to a number of civic organizations including the Belmont Cragin Chamber of Commerce, Old Irving Park Historical Society, Villa Improvement League Neighborhood Council and is a former Chair of the Board of Directors of the Irving Park YMCA and the Murphy School Local School Council; and

**WHEREAS**, Commissioner Santos has been active in local politics for many years and in 1998 was elected to the State Democratic Central Committee as the Committeewoman of the Fifth Congressional District of Illinois, and elected by her peers as the Chairman of the Committee on Finance for the Metropolitan Water Reclamation District on January 6, 2011; and

**WHEREAS**, on October 1, 2004, she was appointed as a member of the Administrative Operations (AO) Committee of the Public Building Commission of Chicago and has served as its Chair since January 9, 2007; and

**WHEREAS**, Commissioner Santos has provided invaluable leadership to the Commission and the Citizens served by the PBC through her participation as Chairman of the AO Committee and a member of the Audit Committee; and

**WHEREAS**, during her tenure as a Commissioner, the Public Building Commission has constructed numerous public schools, parks, police stations, fire stations and other public buildings, facilities and improvements that enhance the quality of life and promote the health, safety and welfare of the citizens of the City of Chicago and Cook County.

**NOW, THEREFORE, BE IT RESOLVED**, that Cynthia M. Santos is hereby commended for her outstanding service to the Board of Commissioners of the Public Building Commission.

**BE IT FURTHER RESOLVED**, that the Executive Director of the Public Building Commission is hereby authorized and directed to present this resolution to Cynthia M. Santos for outstanding service to the Public Building Commission and the citizens of the City of Chicago and Cook County.

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Honorable Richard M. Daley,  
Mayor  
January 11, 2011

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

Next, Commissioner Donaldson presented a report regarding the Administrative Operations (AO) meeting held on January 7, 2011 which is summarized as follows:

- ◆ **Reports by the Executive Director** – The Executive Director advised the AO Committee concerning bid openings and proposed award of trade subcontracts to Bovis lend Lease of Bid Package No. 5 (Ground Retention System) and Bid Package No. 3 (Water Tunnel Fill) for William Jones College Preparatory High School.
- ◆ **Field Order Activity Report and Proposed Change Orders** – The AO Committee accepted the report concerning Field Orders issued for various projects and approved change orders for the following projects: Michael Reese Hospital Demolition (Heneghan Wrecking Co.) (\$196,740.00); Michael Reese Hospital Demolition (Brandenburg Industrial Services) \$40,730.00; Marshall Campus Park (\$88,666.27); 7<sup>th</sup> District Police Station (\$984,256.40); and Engine Company 70 (\$94,443.01).
- ◆ **Specialty Consultants** - The AO Committee accepted the report concerning contract awards to Specialty Consultants for the following projects: Southeast Area Elementary School, Whitney Young Branch Library; Brighton Park II Area Elementary School; Belmont Craign

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Elementary School; 12<sup>th</sup> District Police Station Blue Island; Boone Clinton Area Elementary School; Back of the Yards High School; and Jones College Preparatory Replacement.

- ◆ **Procurement of LCPtracker Software** - The AO Committee accepted the report recommending the procurement of LCPtracker software to be used for monitoring labor compliance and providing reporting tools.
- ◆ **Appointment of Design Architect for Police Station Projects** - The AO Committee accepted the report recommending the appointment of VOA Associates, Inc. as Design Architect for the Chicago Police Department Police Station Program.
- ◆ **Renewal of Liability Insurance Program** - The AO Committee accepted the report recommending renewal of the Liability Insurance Program for the Public Building Commission of Chicago.
- ◆ **Reports by Director of Legal Affairs** - The AO Committee accepted the report by the PBC Director of Legal Affairs recommending revisions to the Amended and Restated Regulations and Procedures Governing the Use of the Daley Center Lobby and Plaza that include the adoption of a flag pole policy, use of the fountain area of the Plaza and the use of the façade of the building.
- ◆ **Report by Legal Counsel** - The AO Committee accepted the report from Legal Counsel concerning the amendment of the Open Meetings Act, effective January 1, 2011, to include a public comment period during meetings of the PBC Board and its Committees that are open to the public.
- ◆ **Proposed Amendments to Professional Services Agreement.** The AO Committee concurred with the recommendation to approve amendments to professional services agreements as summarized in the Proposed Professional Services Amendment Report attached as Exhibit "A".

The report of the Administrative Operations Committee was accepted.

Following consideration of the Administrative Operations Committee report, and upon motion duly made and seconded, the following resolution was adopted by the Board of Commissioners:

RESOLUTION NO. 7609

BE IT RESOLVED by the Board of Commissioners of the Public Building Commission of Chicago that the Executive Director is hereby authorized to issue amendments to Professional Services Agreements for various projects in the amounts indicated on the document entitled "Proposed Professional Services Amendment Report to the Administrative Operations Committee" and attached to the minutes of this meeting as Exhibit "A".

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Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
 Toni Preckwinkle, Mary B. Richardson-Lowry,  
 Samuel Wm. Sax, Mariyana T. Spyropoulos,  
 Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The Executive Director then called upon Kevin Holt, Director of Development, to present to the Board of Commissioners for consideration of approval proposed Change Orders to various contracts marked Exhibit "B". After discussion and consideration, and upon motion duly made and seconded, the following resolution was adopted:

RESOLUTION NO. 7610

BE IT RESOLVED by the Board of Commissioners of the Public Building Commission of Chicago that the Executive Director is hereby authorized to issue Change Orders to contracts for various projects in the amounts indicated on the document entitled "Change Orders" and attached to the minutes of this meeting and marked Exhibit "B".

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
 Toni Preckwinkle, Mary B. Richardson-Lowry,  
 Samuel Wm. Sax, Mariyana T. Spyropoulos,  
 Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The next item presented to the Commissioners was the Notice of Awards report. There were 11 items included on the notice of contracts awarded since the previous board meeting that were under \$25,000. The report was accepted following discussion and consideration and a copy of this report is attached hereto as Exhibit "C".

The Executive Director next presented to the Commissioners the Notice of Awards made to Specialty Consultants for various PBC projects. There were 9 items included on the notice of contracts awarded to specialty consultants since the previous board meeting. The report was

accepted following discussion and consideration and a copy of this report is attached hereto as Exhibit "D".

The Board of Commissioners was next presented with consideration of approval of a Resolution outlining the Public Building Commission Procedures and Guidelines that apply to public participation during open meetings of the Commission pursuant to Section 2.06(g) of the Open Meetings Act, effective January 1, 2011. The Commissioners were advised that a Public Comment period is now required during all meetings of the Board and its Committees that are open to the public, commencing January 1, 2011. Further a Registration Form, including instructions and requirements, must be completed and submitted, by the requester, to the Public Building Commission office at least two hours prior to a meeting. After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted.

RESOLUTION NO. 7611

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby acknowledge that an opportunity for public comment will be provided during all meetings of the Board and its Committees that are open to the public pursuant to Section 2.06(g) of the Open Meetings Act, effective January 1, 2011.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to establish guidelines, procedures and forms as may be necessary in order to implement this Resolution.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The next item presented to the Board of Commissioners for consideration of approval was a request for procurement of LCPtracker software to be used by the PBC staff for monitoring labor compliance and providing reporting tools and to award a three year contract to LCPtracker, Inc. for a total contract value not-to-exceed \$239,550.00. After discussion and consideration, and upon motion duly made and seconded, the following resolution was adopted.

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RESOLUTION NO. 7612

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the procurement of LCPtracker software for the purpose of monitoring labor compliance and providing reporting tools and to award a three year contract to LCPtracker, Inc. for a total contract value not-to-exceed \$239,550.00.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to undertake any and all actions and to execute, upon approval by legal counsel as to form and legality, such documents as may be necessary and appropriate in order to implement this resolution.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The Executive Director next presented to the Board of Commissioners for consideration of approval the renewal of liability insurance for the Public Building Commission of Chicago through the insurance brokerage services of Willis of Illinois, Inc. (appointed October 2010) for the period of January 1, 2011 to December 31, 2011. The Commissioners were advised that the liability policies for the period of January 1, 2011 to December 31, 2011 had been renewed with Colony Insurance Company, Allied World National Assurance Company and RSUI Indemnity Company for an annual premium of \$223,390. The PBC premium savings would be \$36,160, or a 14% reduction and improving the insurance program with lowering the deductible from \$100,000 per loss to \$50,000 for liability claims and \$10,000 for automobile claims. After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted:

RESOLUTION NO. 7613

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission does hereby approve the renewal of the Insurance Brokerage Services contract with Willis of Illinois, Inc. for the period of January 1, 2011 to December 31, 2011 for an annual premium of \$223,390.

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BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to execute a renewal of the current Insurance Brokerage Service contract in such form as shall be approved by Legal Counsel.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The Board of Commissioners was next presented with consideration of approval of Amended and Restated Regulations and Procedures governing the use of the Daley Center Lobby and Plaza, previously approved December 13, 1988, amended November 14, 1989 and January 13, 2009. The proposed revisions included the adoption of a Flag Pole Policy and regulations regarding the use of the fountain area and the façade of the building as summarized in the memorandum of Legal Counsel attached hereto and incorporated herein as Exhibit "E-1). After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted.

RESOLUTION NO. 7614

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the Amended and Restated Regulations and Procedures Governing the use of the Daley Center Lobby and Plaza, and attached hereto as Exhibit "E-2".

BE IT FURTHER RESOLVED that the Amended and Restated Regulations effective as of January 11, 2011 shall supersede any and all prior regulations approved by the Commission for use of the Daley Center Lobby and Plaza.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

January 11, 2011

Commissioners voting in the negative:

None

The Executive Director next presented to the Board of Commissioners for consideration of approval a request by the Board of Education to convey the Board's interest in 15,337 square feet of property located in the vicinity of 6525 N. Hiawatha, adjacent to the Edgebrook Elementary School, Chicago, Illinois, to the Chicago Park District in exchange for 15,337 square feet of property in the same vicinity to be conveyed by the Chicago Park District to the City of Chicago in Trust for the Use of Schools. After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted:

RESOLUTION NO. 7615

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the request of the Board of Education to withdraw the Property from the Lease Agreement for the Bonds and transfer title to the Property legally as described on Exhibit "F" attached hereto as may be owned by the Commission, to the Chicago Park District.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the request to enter into a temporary Lease Agreement (or permit) with the Park District to use Park District property, for the construction of the new Edgebrook Addition.

BE IT FURTHER RESOLVED that the Chairman and Secretary are authorized and directed to execute, on behalf of the Commission, a quit claim deed and such other documents as may be approved as to form legality by Legal Counsel in order to convey title to the property described in Exhibit "F" to the Chicago Park District.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

Next, the Executive Director reported on the receipt of bids by Bovis Lend Lease as Construction Manager at Risk for Contract No. PS1805, Bid Package #5 Ground Retention System Work, and Bid Package #3 Water Tunnel Fill Work for William Jones College Preparatory High School project located at 606 S. State Street, Chicago, Illinois to be awarded by the Public Building Commission then assigned to Bovis Lend Lease as Construction Manager at Risk. After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted:

RESOLUTION NO. 7616

WHEREAS, pursuant to bid solicitations from duly pre-qualified general construction firms, the following base bids were received for Contract No. PS1805, Bid Package #5 Ground Retention System Work, and Bid Package #3 Water Tunnel Fill Work for William Jones College Preparatory High School project located at 606 S. State Street, copies of which bids and contract documents are on file with the Commission:

**BID PACKAGE #5 – Ground Retention System**

<u>Bidder</u>	<u>Base Bid</u>	<u>Award Criteria</u>
Hayward Baker, Inc.	\$1,700,000.00	\$1,676,200.00
Thatcher Foundations, Inc.	\$2,050,000.00	\$1,976,200.00
Rausch Construction Company, Inc.	\$2,625,000.00	\$2,543,625.00

; and

WHEREAS, the bid of Hayward Baker, Inc. was the lowest responsible bid meeting the technical specifications received for the furnishing and performance of the work and the staff of the Commission has recommended that Contract No. PS1805, Bid Package #5 be awarded to Hayward Baker, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago hereby awards to Hayward Baker, Inc. Contract No. PS1805, Bid Package #5, Ground Retention System Work for William Jones College Preparatory High School project pursuant to the terms thereof for the total contract value of \$1,700,000.00 and authorizes and directs the appropriate officers of the Public Building Commission of Chicago to take such action as may be required or advisable to consummate the award and to execute the contract.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago hereby assigns Contract No. PS1805, Bid Package #5, to Bovis Lend Lease as Construction Manager at Risk for the construction of the William Jones College Preparatory High School project.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Public Building Commission hereby authorizes and directs the appropriate officers of the Public Building Commission of Chicago to take such action as may be required or advisable to consummate the award, assignment and execution of the contract and the execution of such documents, upon approval by Legal Counsel as to form and legality, as may be necessary and appropriate to implement the project.

; and

**BID PACKAGE #3 – Water Tunnel Fill**

<u>Bidder</u>	<u>Base Bid</u>	<u>Award Criteria</u>
Rausch Construction Company, Inc.	\$256,000.00	\$248,064.00
Case Foundation Company	\$306,000.00	\$301,501.80

; and

WHEREAS, the bid of Rausch Construction Company, Inc. was the lowest responsible bid meeting the technical specifications received for the furnishing and performance of the work and the staff of the Commission has recommended that Contract No. PS1805, Bid Package #3 be awarded to Rausch Construction Company, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago hereby awards to Rausch Construction Company, Inc., Contract No. PS1805, Bid Package #3, Water Tunnel Fill Work for William Jones College Preparatory High School project pursuant to the terms thereof for the total contract value of \$256,000.00 and authorizes and directs the appropriate officers of the Public Building Commission of Chicago to take such action as may be required or advisable to consummate the award and to execute the contract.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago hereby assigns Contract No. PS1805, Bid Package #3, to Bovis Lend Lease as Construction Manager at Risk for the construction of the William Jones College Preparatory High School project.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Public Building Commission hereby authorizes and directs the appropriate officers of the Public Building Commission of Chicago to take such action as may be required or advisable to consummate the award, assignment and execution of the contract and the execution of such documents, upon approval by Legal Counsel as to form and legality, as may be necessary and appropriate to implement the project.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The next item presented to the Board of Commissioners for consideration of approval was a request by the City of Chicago Department of General Services to transfer title of property located at 850 W. Addison Street (relative to 23<sup>rd</sup> District Police Station) acquired by the Commission on behalf of the City to the City's Department of General Services. After discussion and consideration, and upon motion duly made and seconded, the following resolution was adopted.

RESOLUTION NO. 7617

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the request by the City's Department of General Services and authorizes the transfer of title to certain property located at 850 W. Addison Street to the City of Chicago.

BE IT FURTHER RESOLVED that the Chairman and Secretary are authorized and directed to execute, on behalf of the Commission, a quit claim deed and such other documents as may be approved as to form legality by Legal Counsel in order to convey title to such property to the City of Chicago.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The Board of Commissioners was next presented with consideration of approval of the appointment of VOA Associates, Inc. as the Design Architect for the Chicago Police Department Police Station Program to provide design services for a fee not-to-exceed \$250,000 per year plus reimbursables. After discussion and consideration and upon motion duly made and seconded, the following resolution was adopted.

RESOLUTION NO. 7618

BE IT RESOLVED that the Board of Commissioners of the Public Building Commission of Chicago does hereby approve the appointment of VOA Associates, Inc. as the Design Architect to provide design services for the Chicago Police Department Police Station Program for a fee not-to-exceed \$250,000 per year plus reimbursables.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to execute, upon approval by Legal Counsel as to form and legality, any and all documents as may be necessary and appropriate in order to implement this Resolution.

Commissioners voting in the affirmative:

Richard M. Daley, Robert B. Donaldson,  
Toni Preckwinkle, Mary B. Richardson-Lowry,  
Samuel Wm. Sax, Mariyana T. Spyropoulos,  
Gerald M. Sullivan, Bryan S. Traubert – 8

Commissioners voting in the negative:

None

The next item to be considered by the Board of Commissioners was to conduct a public comment period pursuant to Section 2.06(g) of the Open Meetings Act. No public comments or statements were presented by any persons.

There being no further business to come before the meeting, the meeting was adjourned.

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Secretary

APPROVED:

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Chairman

January 11, 2011

Public Building Commission of Chicago  
 Proposed Amendment Report to the Administrative Operations Committee  
 January 6, 2011

Amendment	Project	Consultant	Reason for the Proposed Amendment	Current Cost of Construction (including approved change orders)	Consultant's Current Fee	Amount of the Proposed Amendment	Consultant's Fee Including the Proposed Amendment Fee	Consultant's Fee Including the Proposed Amendment Fee as a % of the Current Cost of Construction
1	Michael Reese Hospital Demolition	Trinak, Inc. (PS 1091 - A1) Diversity Program Compliance & Monitoring	This amendment represents an increase in the amount of \$42,000.00 for the consultant to continue to provide Diversity Program Compliance and Monitoring for the next phase of the project (Buildings #18, #19, and #22). The services represented in this amendment were not included in the Original Scope of Services.	N/A	\$40,000.00	\$42,000.00	\$82,000.00	N/A
2	Michael Reese Hospital Demolition	Stytech Enterprises, Ltd. (C 1489 - A3) Security Guard Services	This amendment represents an increase in the amount of \$185,298.00 for the consultant to continue to provide security services for the next phase of the project (Buildings #18, #19, and #22) through December 31, 2011. The services represented in this amendment were not included in the Original Scope of Services.	N/A	\$34,749.00	\$185,298.00	\$620,047.00	N/A
3	Michael Reese Hospital Demolition	The Bug Man (C 1489 - A1) Pest Control Services	This amendment represents an increase in the amount of \$40,560.00 for the consultant to continue to provide pest control services for the next phase of the project (Buildings #18, #19, and #22) through December 31, 2011. The services represented in this amendment were not included in the Original Scope of Services.	N/A	\$137,463.00	\$40,560.00	\$178,023.00	N/A
4	Little Village Branch Library	Hanley Ellis Devereaux (PS 1490 - A3) Architect of Record	This amendment represents an increase in the amount of \$10,700.00 to provide design services associated with miscellaneous client requested prototype revisions, including flag pole lighting, flooring revisions, delete ceiling mounted projector, additional wireless antenna, and install rain sensors at the windows. The services represented in this amendment were not included in the Original Scope of Services.	\$5,784,652.00	\$788,852.50	\$10,700.00	\$779,582.50	13.5%
5	Ogden Replacement Elementary School	Nagle Hantray Danker Kegen Mackay Penney (PS 1497 - A2) Architect of Record	This amendment represents an increase in the amount of \$42,258.98 for the Architect of Record to provide the following services: - Additional services related to the changed project delivery method, including extended review of sub-contractor's scopes/bids, multiple phase permit acquisition, bidding and procurement, and sub-contractor coordination - \$63,477.18; - Additional services related to unforeseen site conditions, including unsuitable soils review, corrected survey, tree tagging, and support for the grant application for green roof technology and thermal efficiency - \$18,208.80; - Additional CA services required from August 2010 through project close-out - \$57,420.00; - Delete estimate of probable construction costs required for the DD and CD phases from the AOR contract - (\$95,847.00). The services represented in this amendment were not included in the Original Scope of Services.	\$44,786,221.00	\$2,809,945.80	\$42,258.98	\$2,852,204.78	6.4%

***PUBLIC BUILDING COMMISSION OF CHICAGO***

***BOARD MEETING – January 11, 2011***

***CHANGE ORDERS***

**PUBLIC BUILDING COMMISSION  
SUMMARY OF PROPOSED CHANGE ORDERS  
FOR PBC BOARD MEETING  
January 11, 2011**

A	B	C	D	E	F = (D+E)	G	H = (F+G)	I = ((E+G)/D)
PROJECT	CONTRACT NUMBER	CONTRACTOR	ORIGINAL CONSTRUCTION CONTRACT	AMOUNT OF PREVIOUSLY APPROVED CHANGE ORDERS	ADJUSTED CONSTRUCTION CONTRACT WITH PREVIOUSLY APPROVED CHANGE ORDERS	PROPOSED CHANGE ORDERS FOR JANUARY	ADJUSTED CONSTRUCTION CONTRACT AFTER APPROVAL OF PROPOSED CHANGE ORDERS	ALL CHANGE ORDERS AS PERCENT OF THE ORIGINAL CONTRACT PRICE
Michael Reese Hospital Demolition 2929 S. Ellis Avenue Project Manager: John Latoza	1490-01	Heneghan Wrecking Co.	\$3,194,300.00	\$839,109.33	\$4,033,409.33	(\$196,740.00)	\$3,836,669.33	20.11%
Michael Reese Hospital Demolition 2929 S. Ellis Avenue Project Manager: John Latoza	1490	Brandenburg Industrial Services	\$7,980,000.00	\$1,984,674.50	\$9,964,674.50	\$40,730.00	\$10,005,404.50	25.38%
Marshall Campus Park 3250 W. Adams Project Manager: Jennifer Valentin	1507	John Keno & Company	\$2,770,000.00	\$0.00	\$2,770,000.00	(\$88,666.27)	\$2,681,333.73	-3.20%
7th District Police Station 1438 W. 63rd Street Closeout Manager: Belinda Latham	1451	Castle Construction Corporation	\$21,069,000.00	(\$12,762.12)	\$21,056,237.88	(\$984,256.40)	\$20,071,981.48	-4.73%
Engine Company 70 6030 N. Clark Street Closeout Manager: John Nguyen	1454	Castle Construction Corporation	\$9,326,035.00	\$612,381.87	\$9,938,416.87	(\$94,443.01)	\$9,843,973.86	5.55%

# PUBLIC BUILDING COMMISSION OF CHICAGO

## CHANGE ORDER

Michael Reese Hospital Demolition

2929 S. Ellis

January 11, 2011

Heneghan Wrecking Company

1321 W. Concord Place

Chicago, Illinois 60622

CHNG	BULL	CONTRACT NUMBER	1490-01	
ORDR	NUM	ORIGINAL CONTRACT PRICE		\$3,194,300.00
NUM		APPROVED CHANGE ORDERS		\$ 839,109.33
<b>ADJUSTED CONTRACT PRICE TO DATE</b>				<b>\$4,033,409.33</b>
007	1490-01-7H	Credit for the deletion of demolition of Building #27 for scope of work. Client Directed Change.		(\$208,400.00)
007	1490-01-24H	Labor and equipment for grass and brush clearing throughout the site. Other.		\$11,660.00

TOTAL CHANGE ADDITION	(\$196,740.00)
<b>ADJUSTED CONTRACT PRICE AFTER APPROVAL</b>	<b>\$3,836,669.33</b>

All interested parties are hereby notified that the Change Order listed above shall apply to Contract No. 1490-01 heretofore issued by the Public Building Commission.

All parties shall apply the change as indicated above.

Resolution Number 7610

Changes as specified above authorized for the Public Building Commission of Chicago by:

9409/1/11/11  
Reviewed By

[Signature]  
Executive Director

**PUBLIC BUILDING COMMISSION OF CHICAGO**

**CHANGE ORDER**

Michael Reese Hospital Campus – Demolition & Abatement

2929 S. Ellis

January 11, 2011

Brandenburg Industrial Services  
2625 S. Loomis Street  
Chicago, IL 60608

CHNG	BULL	CONTRACT NUMBER 1490	
ORDR	NUM	ORIGINAL CONTRACT PRICE	\$7,980,000.00
NUM		APPROVED CHANGE ORDERS	\$1,964,674.50
<b>ADJUSTED CONTRACT PRICE TO DATE</b>			<b>\$9,964,674.50</b>
003	1490-3B	Abatement and disposal of an asbestos insulated duct in Building #2. Differing Site Conditions.	\$40,730.00

TOTAL CHANGE ADDITION \$40,730.00

---

**ADJUSTED CONTRACT PRICE AFTER APPROVAL \$10,005,404.50**

All interested parties are hereby notified that the Change Order listed above shall apply to Contract No. 1490 heretofore issued by the Public Building Commission.

All parties shall apply the change as indicated above.

Resolution Number 7610

Changes as specified above authorized for the Public Building Commission of Chicago by:

9/20/11  
Reviewed By

  
Executive Director

# PUBLIC BUILDING COMMISSION OF CHICAGO

## CHANGE ORDER

Marshall School Campus Park

3250 W. Adams Street

January 11, 2011

John Keno & Company  
8808 W. Catalpa Avenue, Suite 808  
Chicago, IL 60656

CHNG	BULL	CONTRACT NUMBER 1507	
ORDR	NUM	ORIGINAL CONTRACT PRICE	
NUM		APPROVED CHANGE ORDERS	\$2,770,000.00
			\$0.00
<b>ADJUSTED CONTRACT PRICE TO DATE</b>			<b>\$2,770,000.00</b>
002	1507-06	Accelerate the work on the north parking lot and Kedzie Avenue Public Right of Way due to delays associated with weather and the labor strike. Other.	\$34,996.25
002	1507-12	Demolition of existing sidewalk and ADA crosswalk at the northeast corner of Monroe and Spaulding. Replace with new sidewalks and ADA crosswalk. Error or Omission.	\$14,283.59
002	1507-14	Suspension and Remobilization of site utilities, electrical, excavation, and concrete work due to concurrent building restoration work. Differing Site Condition.	\$13,402.94
002	1507-15	Reconstruct and raise discovered sewer manhole to new finish grade of Jackson Blvd. Sidewalk. Differing Site Conditions.	\$2,206.53
002	1507-16	Deduct unused contract contingency. Other.	(\$910.10)
002	1507-17	Deduct unused site allowance. Other.	(\$152,645.48)
<b>TOTAL CHANGE ADDITION</b>			<b>(\$88,666.27)</b>
<b>ADJUSTED CONTRACT PRICE AFTER APPROVAL</b>			<b>\$2,681,333.73</b>

All interested parties are hereby notified that the Change Order listed above shall apply to Contract No. 1507 heretofore issued by the Public Building Commission.

All parties shall apply the change as indicated above.

Resolution Number 7610

Changes as specified above authorized for the Public Building Commission of Chicago by:

9/20/11  
Reviewed By

1.24.11  
Executive Director

**PUBLIC BUILDING COMMISSION OF CHICAGO**

**CHANGE ORDER**

7<sup>th</sup> District Police Station

1438 W. 63<sup>rd</sup> Street

January 11, 2011

Castle Construction Corporation

3062 W. 167<sup>th</sup> Street

Markham, IL 60426

CHNG	BULL	CONTRACT NUMBER 1451	
ORDR	NUM	ORIGINAL CONTRACT PRICE	\$21,069,000.00
NUM		APPROVED CHANGE ORDERS	(\$12,762.12)
<b>ADJUSTED CONTRACT PRICE TO DATE</b>			<b>\$21,056,237.88</b>

003	1451-031	Deduct unused contract contingency fund. Other.	(\$851,602.12)
003	1451-032	Liquidated damages associated with female journeyworker, female apprentices, female laborer, and city residency goals. Other.	(\$132,654.26)

TOTAL CHANGE ADDITION	(\$984,256.40)
<b>ADJUSTED CONTRACT PRICE AFTER APPROVAL</b>	<b>\$20,071,981.48</b>

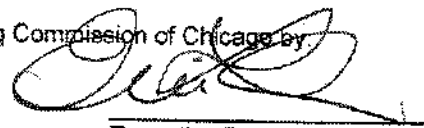
All interested parties are hereby notified that the Change Order listed above shall apply to Contract No. 1451 heretofore issued by the Public Building Commission.

All parties shall apply the change as indicated above.

Resolution Number 7610

Changes as specified above authorized for the Public Building Commission of Chicago by

920976 1/11/11  
Reviewed By

  
Executive Director

Police District 7 Liquidated Damages

Total Hours	Minority Goal	%	Actual Hours	%	Female Goal	%	Actual Hours	%	Female Goal	%	Actual Hours	%	City Res.	Res %	Comm. Hiring	Comm. %
111771.80																
80489.30	28174.76	35.00%	47276.88	58.73%	1609.99	5.00%	2685.50	3.31%	48957.00	43.80%	8293.13	7.42%				
8123.00	4061.50	50.00%	7256.25	89.35%	81.23	10.00%	147.00	1.81%								
23149.50	11574.75	50.00%	22180.50	95.86%	231.50	10.00%	1110.00	4.79%								

Female Journeyworkers \$8,422.50  
 Female Apprentices \$50,534.86  
 Female Laborers \$10,528.10  
 City Residency \$63,168.72  
**Total Damages \$132,654.28**

# PUBLIC BUILDING COMMISSION OF CHICAGO

CHANGE ORDER

Engine Company 70

6030 N. Clark Street

January 11, 2011

Castle Construction Corporation

3062 W. 167<sup>th</sup> Street

Markham, IL 60428

CHNG	BULL	CONTRACT NUMBER 1454	
ORDR	NUM	ORIGINAL CONTRACT PRICE	\$ 9,326,035.00
NUM		APPROVED CHANGE ORDERS	\$ 612,381.87
<b>ADJUSTED CONTRACT PRICE TO DATE</b>			<b>\$9,938,416.87</b>
006	1454-067	Liquidated damages associated with female journeyworker, female apprentices, female laborer, and city residency goals. Other.	(\$94,443.01)

TOTAL CHANGE ADDITION (\$94,443.01)

**ADJUSTED CONTRACT PRICE AFTER APPROVAL \$9,843,973.86**

All interested parties are hereby notified that the Change Order listed above shall apply to Contract No. 1454 heretofore issued by the Public Building Commission.

All parties shall apply the change as indicated above.

Resolution Number 7610

Changes as specified above authorized for the Public Building Commission of Chicago by:

9207/10 1/11/11  
Reviewed By

  
Executive Director

Engine CO 70 Liquidated Damages Report

Total Hours	Minority Goal	%	Actual Hours	%	Female Goal	%	Actual Hours	%	Actual Hours	%	City Res.	Res %	Comm. Hiring	Comm. %
53186.25														
35081.25	J 12281.94	35.00%	17834.25	51.11%	1754.58	5.00%	392.00	1.12%	18306.75	38.29%			0.00%	0.00%
4324.00	A 2162.00	50.00%	3827.50	88.52%	216.20	5.00%	147.00	0.00%						
13780.00	L 6880.00	50.00%	11704.00	84.93%	688.00	5.00%	1110.00	0.00%						

Female Journeysworkers \$11,181.23  
 Female Apprentices \$13,988.05  
 Female Laborers \$4,663.00  
 City Residency \$64,599.73  
**Total Damages \$94,443.01**

Female Journeysworkers  
 Female Apprentices  
 Female Laborers  
 City Residency  
**Total Damages**

Notice of Award  
January 2011

REQUEST FOR SERVICE \$25,000 & UNDER				
Project Name	Service	MWBE	Firm	\$ Total
PBC Administration	Purchase of Ink Cartridges	N/A	CDW-G	\$ 7,870.45
PBC Administration	Purchase of Ink Cartridges	N/A	Warehouse Direct Office Products	\$ 3,008.46
23rd District Police Station	IT Technician Services	N/A	MIDCO, Inc.	\$ 625.00
23rd District Police Station	Green Power Renewable Energy Certificates	N/A	Renewable Choice Energy	\$ 876.90
Collins High School Renovation	Structural Testing Services	N/A	Wiss, Janney, Elstner Associates Inc.	\$ 5,800.00
Burroughs School Artificial Turf	Artificial Turf Groomer	N/A	Sportsfield Specialties, Inc.	\$ 1,988.00
Burroughs School Artificial Turf	Artificial Turf Sweeper	N/A	Fieldturf USA	\$ 1,175.00
Engine Company 109	Green Power Renewable Energy Certificates	N/A	Renewable Choice Energy	\$ 204.67
Richard M. Daley Branch Library	Green Power Renewable Energy Certificates	N/A	3 Degrees Group	\$ 331.66
Grand Crossing Branch Library	Green Power Renewable Energy Certificates	N/A	3 Degrees Group	\$ 220.32
Volley Forge Field House	Furnish and Install Fencing	N/A	Fence Masters, Inc.	\$ 3,700.00

Notice of Award  
January 2011

TASK ORDERS AWARDED AGAINST TERM CONTRACTS (2/2010)				
Project Name	Service	M/WBE	Firm	\$ Total
Southeast Area Elementary School	Environmental - Category A, B, C		MACTEC Engineering & Consulting	\$ 60,360.00
Whitney Young Branch Library	Environmental - Category A, B, C		Terracon Consultants, Inc.	\$ 28,996.00
Brighton Park II Area Elementary School	Environmental - Category A, B, C	WBE	Kowalenko Consulting Group, Inc.	\$ 177,398.00
12th District Police Station Blue Island	Material Testing	MBE	Great Lakes Soil & Environmental Consultants	\$ 204,600.00
Belmont Cragin Area Elementary School	Material Testing	MBE	GSG Consultants, Inc.	\$ 5,000.00
Boone Clinton Area Elementary School	Material Testing	MBE	GSG Material Testing, Inc.	\$ 23,790.00
Back of the Yards High School	Material Testing		SEECO Consultants, Inc.	\$ 2,540.00
Jones College Prep Replacement	Traffic Study	WBE	Regina Webster & Associates, Inc.	\$ 10,500.00
Whitney Young Branch Library	Traffic Study		Kenig, Lindgren, O'Hara, Aboona, Inc.	\$ 8,400.00

**NEAL & LEROY, L.L.C.**  
**203 N. LaSalle Street, Suite 2300**  
**Chicago, Illinois 60601**  
**Telephone: (312) 641-7144**

**MEMORANDUM**

**FOR DISCUSSION PURPOSES ONLY**

**TO:** Joel Stein, Director of Legal Affairs

**FROM:** Anne L. Fredd  
Jacinta Epting

**DATE:** January 4, 2011

**RE:** *Proposed Revisions to the Amended and Restated Regulations and Procedures Governing the Use of the Daley Center Lobby and Plaza*

**EXECUTIVE SUMMARY**

On January 13, 2009, PBC's Board of Commissioners ("Board") enacted Amended and Restated Regulations and Procedures Governing the use of the Daley Center Lobby and Plaza (the "Amended Regulations"). The Amended Regulations provided policy guidelines established by the Board for the use of the Daley Center Lobby and Plaza (collectively, the Premises) as a public forum. The Board delegated to the Property Manager authority to issue permits for the use of the Premises and authorized the Executive Director to exercise her discretion in exempting the Authorized Lessees (Cook County, the City of Chicago and PBC) from certain permit and administrative requirements.

Overall, the policy guidelines set by the Board in the Amended Regulations have been sufficient to ensure the efficient administration of the Premises since the Amended Regulations were enacted by the Board in January 2009. Numerous permits have been issued and the Premises have been extensively used for exhibits, festivals and displays by civic and cultural groups and organizations as well as the City through the Mayor's Office of Special Events (MOSE).

Several issues have arisen that have required legal and administrative review of the Amended Regulations to ensure compliance with principles of First Amendment jurisprudence and appropriate use of the Premises as a public forum. In some instances, the current Amended Regulations provided sufficient flexibility for interpretation so that the policy objectives of the Board could be achieved without further amendment of the Amended Regulations. However, additional clarification is recommended in three areas, namely: (i) the use of the flagpoles by members of the public; and (ii) the use of the façade of the Daley Center Building for the display

of banners and (iii) the use of the fountain area for exhibits and displays. We recommend the following revisions to the Amended Regulations:

### **PROPOSED REVISIONS**

#### **1. Flag Pole Policy**

**Issue:** The current regulations are silent on the use of the flag poles situated on the Daley Center Plaza. Under well established principles of First Amendment jurisprudence, flag poles situated on public property are a non-public forum for the purpose of government speech and expression of fundamental principles of government of the United States of America, the State of Illinois, County of Cook and City of Chicago. Accordingly, PBC has the right to refuse to place any flag on the Daley Center Plaza which does not express these principles.

#### **Proposed Revision:**

**D. Flag Poles.** *The flag poles on the Daley Center Plaza are the property of the Public Building Commission of Chicago (PBC). The flag poles are not a public forum; their purpose is government speech to express the fundamental principles of the United States of America, State of Illinois, County of Cook and the City of Chicago. PBC expressly reserves the right to deny a request to display any flag which, in its sole discretion, does not express the principles identified above. The Executive Director is authorized to issue guidelines to the Property Manager to implement this provision. Section VII, Subsection D ("Special Provisions").*

#### **2. Use of the Fountain Area for Exhibits, Displays and Structures**

**Issues:** Currently, the Amended Regulations are silent on the use of the fountain area by applicants that are not sponsored by an Authorized Lessee. Moreover, there is concern that any exhibits, displays or structures that may be permitted on the fountain area must not cause any structural or physical damage to the surface of the fountain or its underlying foundation. In the event that PBC intends to provide for permits on the fountain area to be issued to applicants that are not sponsored by Authorized Lessees and that the physical integrity of the area will be maintained, the Amended Regulations should be revised.

#### **Proposed Revision:**

**E.** *In the event that an Authorized Lessee or other applicant submits an application for a permit to erect an exhibit or display on the fountain area of the Plaza, the Property Manager must ensure that such exhibit or display will not cause any physical damage to the surface or underlying foundation. The Property Manager may, in its sole discretion, deny any permit application for use of the fountain area unless the permit application plan is both structurally safe and will not cause any damage to the fountain or its foundation as determined by a licensed structural engineer selected by the Property Manager. Section VII, Subsection E ("Special Provisions").*

### 3. Use of the façade of the Daley Center Building for Banners and Other Displays

**Issue:** The Amended Regulations do not address the use of banners or other displays on the façade of the Daley Center Building. Traditionally, banners and other displays have been permitted on the façade only when sponsored by MOSE or in conjunction with an event on the Plaza for which a Permit has been issued by the Property Manager. In order to memorialize the current practice, the Amended Regulations should be revised to restrict the use of banners and displays on the façade of the building to Authorized Lessees and events on the Plaza for which a permit has been issued.

#### **Proposed Revisions:**

***Façade:*** "Façade" shall mean the exterior areas of the Daley Center Building facing the Plaza and Washington Street on the South, Dearborn Street on the East, Randolph Street on the North and Clark Street on the West. Section I ("Definitions").

***F.*** The use of the façade of the Buildings is limited to the display of banners [or exhibits or displays] on the exterior area of the Building facing the Plaza during civic or cultural events or activities on the Plaza for which a permit has been issued. The display of any such banner [exhibit or display] may not extend beyond the period of the permitted event or activity. Banners may only be raised using the hoist or other equipment provided by the Property Manager. The Property Manager may, in its sole discretion, deny any application to display a banner that poses a risk of harm or physical damage to the façade. Section VII, Subsection F ("Special Provisions").

***K.*** Because the applicant requests permission to erect a display, structure or exhibit upon the façade of the Building (except for requests by Authorized Lessee(s) and requests by applicants for whom a permit has been issued for a civic or cultural activity or event on the Plaza). Section V, Subsection K ("Additional Grounds for Denial of Permits").

#### **Summary and Conclusion**

It is recommended that the Board consider revising the Amended Regulations for the use of the Daley Center Plaza as follows: 1) specifying that the flag poles are owned by PBC and use is restricted to government speech; 2) provide that the display of banners on the façade of the Daley Center Building is reserved for use by the City, County and PBC, or in conjunction with permitted events that are primarily civic or cultural; and 3) ensure that displays or exhibits on the fountain area will not cause any physical damage to the surface or underlying foundation.



DEPARTMENT OF OPERATIONS  
125 South Clark Street, 17<sup>th</sup> Floor • Chicago, Illinois 60603 • Telephone: 773|553|2900 • Fax: 773|553|4305

Patricia L. Taylor  
Chief Operating Officer

December 20, 2010

**VIA HAND DELIVERY AND E-MAIL**

Erin Lavin Cabonargi  
Executive Director  
Public Building Commission of Chicago  
Daley Center, Room 200  
Chicago, Illinois 60602

**RE:     Edgebrook School Addition  
        Board Report No. 10-1215-OP1  
        Land Exchange with Chicago Park District**

Dear Ms. Cabonargi:

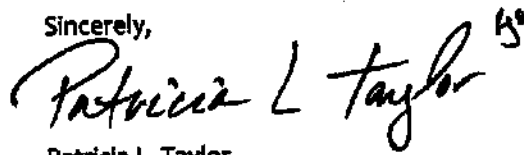
On December 15, 2010, the Board of Education adopted Board Report No. 10-1215-OP1, attached. The attached Board Report authorizes:

1. The Public Building Commission of Chicago ("PBC") to convey the Board's interest in the property described on Exhibit B to the Chicago Park District ("Park District") in exchange for the Park District's land described on Exhibit A;
2. The Park District to convey land described on Exhibit A directly to the City of Chicago in Trust for Use of Schools;
3. The PBC to amend the Lease Agreement between the Board and the PBC to remove the property described on Exhibit B;
4. A twenty (20) year non-revocable Shared Use Agreement between the Board and the Park District for the joint use of the property described on Exhibits B and C; and
5. The PBC to enter into a temporary License Agreement (or permit) with the Park District to use Park District property for the construction the new Edgebrook Addition. The Board will pay the cost to repair any damage caused to by the Board's and/or PBC's use of the Park District's property for the construction of the Edgebrook Addition.

Kindly place this matter on the PBC's January 12, 2011 agenda for consideration and approval.

If there are any questions, please feel free to contact me. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Patricia L Taylor" with a small flourish at the end.

Patricia L. Taylor  
Chief Operating Officer  
Chicago Board of Education

PLT/TLD/mw

Enclosure

cc: Mary Pat Witry (PBC)  
Terri Haymaker (PBC)  
Patrick Rocks (CPS)  
Steven Lawrence (CPS)  
Betsy Fisk (CPS)  
Anne Fredd  
Terry Diamond

December 16, 2010

**AMEND BOARD REPORT 10-0825-0P1**

**APPROVE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT TO EXCHANGE LAND SWAP, AN AMENDMENT TO THE LEASE BETWEEN THE PUBLIC BUILDING COMMISSION AND THE BOARD, AND A RECIPROCAL LICENSE A SHARED USE AND TEMPORARY LICENSE AGREEMENT WITH THE CHICAGO PARK DISTRICT EACH IN CONNECTION WITH AN ADDITION TO THE EDGEBROOK SCHOOL**

**THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

The Public Building Commission ("PBC") holds title to the Edgebrook School property for the Board of Education. The Chicago Park District ("CPD") owns property adjacent to Edgebrook School. CPD also licenses property from the Board for athletic facilities a baseball field adjacent to Edgebrook School. The Board needs 15,337 square feet of CPD land described on Exhibit A for the construction of an addition to Edgebrook School ("Edgebrook Addition"). CPD has agreed to convey the 15,337 square feet of land described on Exhibit A to the Board for the Edgebrook Addition in exchange for the 15,337 square feet of Board property described on Exhibit B and a twenty (20) year non-revocable Reciprocal-License Shared Use Agreement that will allow CPD and the Board to use and maintain athletic facilities the baseball field adjacent to Edgebrook School on property owned by CPD and the Board as shown on Exhibit C.

The purpose of this Board Report is to authorize: (1.) PBC's conveyance of the 15,337 square feet of Board property described on Exhibit B to CPD in exchange for the 15,337 square feet of CPD Property described on Exhibit A to be conveyed to the City of Chicago In Trust for Use of Schools; (2.) An amendment to the Lease between the PBC and the Board removing the 15,337 square feet of land described on Exhibit B to be conveyed by the PBC to CPD ("Lease Amendment"); (3) A reciprocal-license twenty (20) year non-revocable Shared Use Agreement between the Board and CPD for the joint use of the athletic facilities owned by PBC on behalf of the Board baseball field immediately west of Edgebrook School ("Reciprocal-License Shared Use Agreement") as shown described on Exhibit C and D; and (4.) A temporary license agreement between the Board and CPD for use of a portion of the CPD land located immediately north of the CPD land described on Exhibit A during the construction of the Edgebrook Addition ("Temporary License Agreement"). A Reciprocal License Shared Use Agreement between the Board and CPD for the joint use of the athletic facilities baseball field immediately west of the Edgebrook School is currently being negotiated. A Temporary License Agreement for the Board's use of CPD property during the construction of the Edgebrook Addition is also being negotiated. The authority granted herein shall automatically rescind in the event the conveyance from PBC to CPD of the land described in Exhibit B, the conveyance from CPD to the City of Chicago In Trust for the Use of Schools of the land described in Exhibit A, the Lease Amendment to delete the property to be conveyed by PBC to CPD as described on Exhibit B, and Reciprocal the Shared Use and Temporary License Agreements are not executed, and the conveyances have not been completed, within 120 days of the date of this Board Report. Information pertinent to the IGA, following Intergovernmental Agreements, Lease Amendment, Reciprocal Shared Use and Temporary License Agreements and conveyances is stated below.

<b>PARTIES:</b> Board of Education of the City of Chicago 125 S. Clark Street Chicago, IL 60603 Contact: Chief Operating Officer Phone: 773-653-2900	Chicago Park District 541 N. Fairbanks Chicago, IL 60611 Contact: General Superintendent Phone: 312-742-4600
---	--

**PROPERTY TO BE CONVEYED BY CPD TO THE CITY OF CHICAGO, IN TRUST FOR USE OF SCHOOLS:** Approximately 15,337 square feet of land described on Exhibit A attached hereto.

**PROPERTY TO BE RELEASED/REMOVED FROM THE PBC LEASE:** Approximately 15,337 square feet of land described on Exhibit B attached hereto.

**PROPERTY TO BE CONVEYED BY THE PBC (ON BEHALF OF THE BOARD) TO CPD:** Approximately 15,337 square feet of land described on Exhibit B attached hereto.

**DISPOSITION TYPE:** The conveyances described above shall be in accordance with the Local Government Property Transfer Act. CPD will use the property described on Exhibit B for public park purposes upon

acceptance. The Board will use the property described on Exhibit A for public school purposes upon acceptance.

**RECIPROCAL LICENSE SHARED USE AGREEMENT:** Shall cover the athletic facilities baseball field immediately west of Edgebrook School, identified as Parcels B and C and on Exhibit CD attached hereto. Under the Reciprocal License Shared Use Agreement, CPD and Edgebrook School will have joint use of the athletic facilities baseball field for twenty (20) years. The exact hours and terms of operation will be coordinated between Edgebrook School and the CPD's site manager. CPD will be responsible for construction, maintenance and all costs related to the use and operation of the athletic facilities baseball field.

**TERM:** The term of the Reciprocal License non-revocable Shared Use Agreement shall commence on the date the agreement is signed and shall end 4020 years thereafter. ~~It shall be renewable for a second term of 40 years by agreement of the Board and the CPD.~~

**TEMPORARY LICENSE AGREEMENT:** Shall pertain to CPD land that may be needed temporarily by the Board or the PBC for the construction of the Edgebrook Addition that is located north of the CPD land described on Exhibit A. The Board shall repair, or cause to be repaired by the PBC, any damage it causes to the Temporary License Area, including equipment, and return the Temporary License Area to CPD in the same condition as it was received.

**AUTHORIZATION:** Authorize the President and the Secretary to execute the Lease Amendment and any and all conveyance documents required to effectuate the conveyance of the property described on Exhibit B to CPD and to accept the Property described on Exhibit A from CPD. Authorize the Chief Operating Officer to execute the Reciprocal IGA, Shared Use and Temporary License Agreements with CPD. Authorize the General Counsel to include other relevant terms and conditions, including indemnification in the Reciprocal IGA, Shared Use and Temporary License Agreements. Authorize the PBC to convey the Board's interest in the property shown in Exhibit B directly to CPD. Authorize the Chief Operating Officer to execute all ancillary documents required to administer or effectuate the landswaps and the Reciprocal IGA, Shared Use and Temporary License Agreements.

**AFFIRMATIVE ACTION:** Exempt.

**LSC REVIEW:** Local School Council approval is not applicable to this report.

**FINANCIAL:** Credit to General Fund: \$1.

**GENERAL CONDITIONS:**

**Inspector General** – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

**Conflicts** – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board members during the one-year period following expiration or other termination of their terms of office.

**Indebtedness** – The Board's Indebtedness Policy adopted June 26, 1996 (96-0526-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

**Ethics** – The Board's Ethics Code adopted June 23, 2004 (04-0523-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

**Approved for Consideration:**

  
Patricia L. Taylor  
Chief Operating Officer

**Approved:**

  
Terry Maxany  
Chief Executive Officer

**Within Appropriation:**

  
Clara S. Ferguson  
Chief Financial Officer

**Approved as to legal form:**



  
  
Patrick J. Rocks  
General Counsel

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND TO BE CONVEYED BY THE CHICAGO PARK DISTRICT TO THE CITY OF CHICAGO IN TRUST FROM USE OF SCHOOLS FOR THE CONSTRUCTION OF THE EDGEBROOK SCHOOL ADDITION, APPROXIMATELY 45,337 SQUARE FEET

PARCEL A

THAT PART OF LOTS 36 AND 38, IN OGDEN AND JONES SUBDIVISION OF BRONSON'S PART OF CALDWELL'S RESERVATION, LYING EASTERLY OF THE CENTERLINE OF NORTH CENTRAL AVENUE, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT PARTS OPENED FOR STREETS), DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY LINE OF N. MINNEHARA AVE. (AS OCCUPIED) DISTANT SOUTHWESTERLY 157.35 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE OF N. MINNEHARA AVE. AND THE SOUTHERLY LINE OF W. XONIA AVE. (AS OCCUPIED); THENCE NORTHWESTERLY ALONG A LINE 436.75 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF W. HIAWATHA AVE. (AS OCCUPIED), A DISTANCE OF 143.67 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A LINE 143.67 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY LINE OF N. MINNEHARA, A DISTANCE OF 106.75 FEET TO A POINT 330.00 FEET NORTHERLY OF SAID NORTHERLY LINE OF W. HIAWATHA AVE.; THENCE SOUTHEASTERLY ALONG A LINE 130.00 FEET NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF W. HIAWATHA AVE, A DISTANCE OF 143.67 FEET TO A POINT ON SAID WESTERLY LINE OF N. MINNEHARA AVE. (SAID POINT DISTANT 330.00 FEET NORTHEASTERLY FROM THE INTERSECTION OF SAID WESTERLY LINE OF N. MINNEHARA AVE. AND SAID NORTHERLY LINE OF W. HIAWATHA AVE.; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE OF N. MINNEHARA A DISTANCE OF 106.75 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

FIN #: 10-33-518-001

AREA: 15,337 SQ. FT. = 0.35 ACRES

LEGAL DESCRIPTION SUBJECT TO MODIFICATION UPON RECEIPT OF FINAL SURVEY

EXHIBIT B

LEGAL DESCRIPTION OF THE LAND TO BE CONVEYED BY THE PUBLIC BUILDING COMMISSION OF CHICAGO TO THE CHICAGO PARK DISTRICT IN EXCHANGE FOR THE LAND DESCRIBED ON EXHIBIT A. THE PROPERTY DESCRIBED BELOW SHALL ALSO BE REMOVED/RELEASED FROM THE LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION OF CHICAGO AND THE BOARD OF EDUCATION. THE SIZE OF THE LAND IS APPROXIMATELY 15,336 SQUARE FEET

PARCEL B

THAT PART OF LOTS 36 AND 39, IN OGDEN AND JONES SUBDIVISION OF BRONSON'S PART OF CALDWELL'S RESERVATION, LYING EASTERLY OF THE CENTERLINE OF NORTH CENTRAL AVENUE, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 19 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT PARTS OPENED FOR STREETS), DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY LINE OF N. CENTRAL AVE. (AS OCCUPIED) DISTANT NORTHEASTERLY 157.32 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE OF N. CENTRAL AVE. AND THE NORTHERLY LINE OF W. HIAWATHA AVE. (AS OCCUPIED); THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE OF N. CENTRAL AVE. A DISTANCE OF 49.47 FEET TO A POINT (SAID POINT DISTANT 326.15 FEET SOUTHWESTERLY FROM THE INTERSECTION OF SAID EASTERLY LINE OF N. CENTRAL AVE. AND THE SOUTHERLY LINE OF W. XONIA AVE. (AS OCCUPIED); THENCE SOUTHEASTERLY ALONG A LINE 221.86 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 322.89 FEET TO A POINT 300.00 FEET WESTERLY OF THE WESTERLY LINE OF N. MINGUEHAHA AVE.; THENCE WESTERLY 77.09 FEET TO A POINT 178.67 FEET NORTHERLY OF SAID NORTHERLY LINE OF W. HIAWATHA AVE. AND 361.11 FEET WESTERLY OF THE WESTERLY LINE OF N. MINGUEHAHA AVE.; THENCE NORTHWESTERLY ALONG A LINE 178.67 FEET NORTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF W. HIAWATHA AVE., A DISTANCE OF 227.92 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

FIG #: 10-33-312-001

AREA: 15,336 SQ. FT. = 0.35 ACRES

LEGAL DESCRIPTION SUBJECT TO MODIFICATION UPON RECEIPT OF FINAL SURVEY

THIS PROPERTY IS SUBJECT TO THE 20 YEAR NON-REVOCABLE SHARED USE AGREEMENT BETWEEN THE BOARD AND THE CHICAGO PARK DISTRICT

EXHIBIT C

BOARD OF EDUCATION PROPERTY SUBJECT TO A TWENTY (20) YEAR SHARED USE AGREEMENT  
BETWEEN THE BOARD AND THE DISTRICT FOR JOINT USE OF THE BASEBALL FIELD ADJACENT TO  
EDGEBROOK SCHOOL

PARCEL C

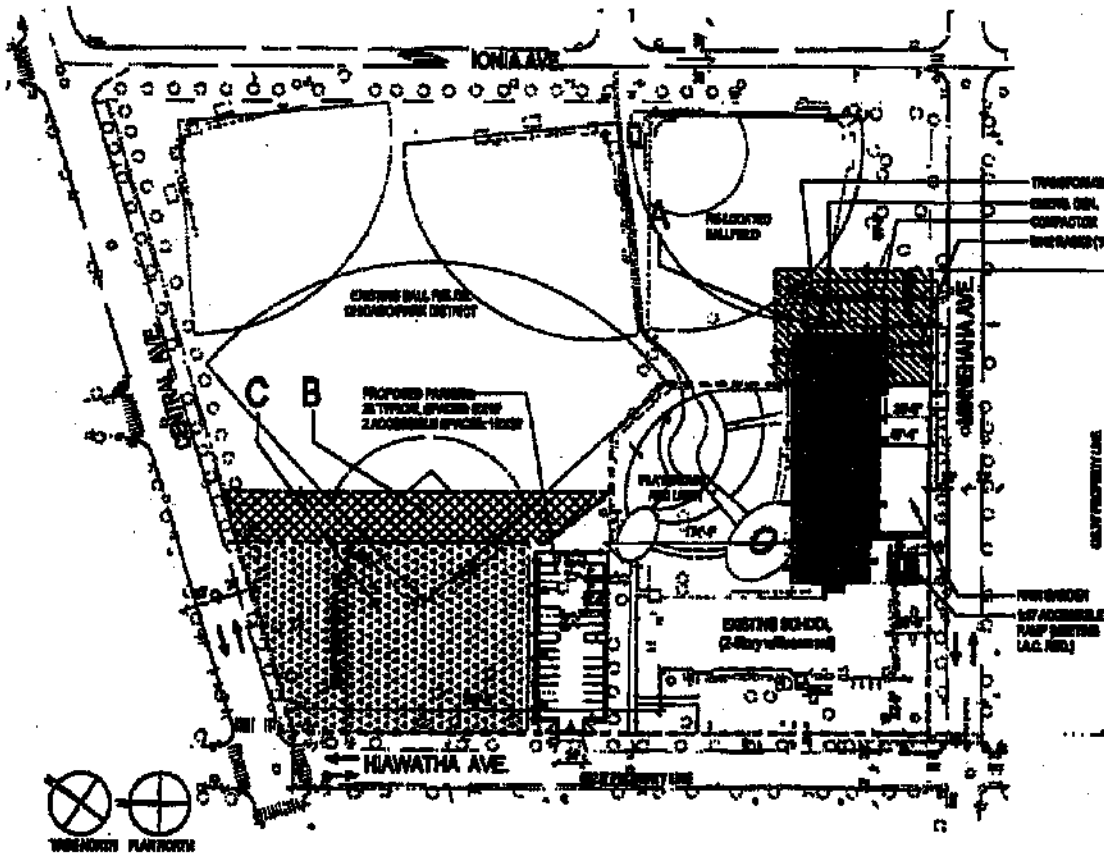
THAT PART OF LOTS 38 AND 39, IN OGDEN AND JONES SUBDIVISION OF BRONSON'S PART OF  
CALDWELL'S RESERVATION, LYING EASTERLY OF THE CENTERLINE OF NORTH CENTRAL AVENUE,  
IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT  
PARTS OPENED FOR STREETS), DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF  
THE NORTHERLY LINE OF W. HIAWATHA AVE. (AS OCCUPIED) WITH THE EASTERLY LINE OF N.  
CENTRAL AVENUE (AS OCCUPIED); THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE OF N.  
CENTRAL AVE. A DISTANCE OF 187.32 FEET TO A POINT (SAID POINT DISTANT 438.60 FEET  
SOUTHWESTERLY FROM THE INTERSECTION OF SAID EASTERLY LINE OF N. CENTRAL AVE. AND  
THE SOUTHERLY LINE OF W. IONIA AVE. AS OCCUPIED); THENCE SOUTHEASTERLY ALONG A LINE  
DISTANCE OF 271.68 FEET TO A POINT, SAID POINT BEING ALSO 378.50 FEET WESTERLY OF THE  
WESTERLY LINE OF N. MINNEHAHA AVE. (AS OCCUPIED); HENCE SOUTHWESTERLY ALONG A LINE  
378.50 FEET WESTERLY OF AND PARALLEL WITH SAID WESTERLY LINE OF N. MINNEHAHA AVE. A  
DISTANCE OF 178.87 FEET TO A POINT ON SAID NORTHERLY LINE OF W. HIAWATHA AVE.; THENCE  
NORTHWESTERLY ALONG SAID NORTHERLY LINE OF W. HIAWATHA AVE. A DISTANCE OF 216.00  
FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PIN NO. 10-33-318-001 (Part of)  
AREA: 43,567 SQ. FT. = 1 ACRE

EXHIBIT D

Landswap and Shared Use Agreement Exhibit for Edgebrook School Project

LEGEND					
	Parcel A: Property to be conveyed to SOE: 10,567 SF		Parcel B: SOE Property to be conveyed to CPD: 16,307 SF Subject to 50 Year Shared Use Agreement		Parcel C: SOE and CPD to use jointly pursuant to 50 Year Shared Use Agreement: 41,567 SF



NOVEMBER 17, 2011  
**LANDSWAP SITE PLAN**  
 10-1215-0P1